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HUMAN RIGHTS QUESTIONS

Letter dated 9 April 1996 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a document entitled "Comments on the position paper of the Russian delegation entitled 'Violation of the rights of non-citizens of Estonia', distributed by the Estonian delegation on 7 March 1996 at the plenary meeting of the Permanent Council of the Organization for Security and Cooperation in Europe" (see annex). This document is Estonia's response to the allegations circulated, at the request of the Permanent Representative of the Russian Federation to the United Nations, as document A/51/81 of 20 March 1996.

I should be most grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly under item 113 of the preliminary list.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative

* A/51/50.

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ANNEX

Comments on the position paper of the Russian delegation entitled "Violation of the rights of non-citizens of Estonia", distributed on 7 March 1996 at the plenary meeting of the Permanent Council of the Organization for Security and Cooperation in Europe

1. The number of persons in Estonia that have not yet acquired the citizenship of Estonia, the Russian Federation or any other State is now less than one sixth of the population, or 250,000 out of a population of 1.5 million. This number is constantly decreasing as a result of the continuing process of naturalization. Approximately 2,000 individuals are naturalized as Estonian citizens monthly.

Using the term "foreigner who is entitled to obtain Estonian citizenship" cannot be seen as discriminative, as it preserves the option for obtaining Estonian citizenship, whereas the term "person without citizenship" preferred by the Russian delegation clearly tends to do the opposite. The conditions established by the law for acquiring Estonian citizenship, including tests on the applicants' knowledge of the Estonian language and Estonia's Constitution, have been consistently developed by taking into account both the experience gained by Estonian authorities within the naturalization process and the advice given by independent experts. Introducing tests with multiple answers to choose from instead of oral examinations is clearly beneficial for all applicants. The passage rate, as stated in the Organization for Security and Cooperation in Europe (OSCE) Mission's activity report No. 93, is currently 86 to 90 per cent.

2. In most democratic countries, as well as in the countries of the Commonwealth of Independent States, the term "national minority" is used in regard to the citizens of a State and not the foreign nationals or persons of another legal status, residing in that State. This approach is reflected in the Law on Cultural Autonomy of National Minorities that was first proclaimed by Estonia in 1925, and which was re-enacted in 1993 following five decades of Soviet occupation. This law is an entitlement programme to provide subsidies to cultural organizations run by citizens belonging to national minorities; all residents of Estonia are free to participate in the relevant organizations.

Estonia, like most other States, therefore accords the legal status of national minorities to those national groups that are clearly related to their country of residence (i.e., Estonia) in historic, cultural and civic society terms. However, there are no legal acts that would restrict the use of language or hinder the culture and education of those persons who are not Estonian citizens. In practical terms, persons belonging to all major national groups residing in Estonia have the right and the possibility to be educated in their mother tongue and to develop their own culture. No one national or linguistic group is denied these rights, and no one is granted a privileged status, including Russian linguistic or national groups. On these grounds, the Ukrainian Ministry of Foreign Affairs recently expressed its full satisfaction with Estonia's minority policy to the visiting Minister for Foreign Affairs of Estonia. Ukraine is delighted that Ukrainians, forming the second largest

ethnic group of foreign origin in Estonia, can freely develop their own national culture and are not subverted to Estonianization or Russification.

3. According to the Law on Local Elections, all registered residents of Estonia have the right to vote in local elections, irrespective of their citizenship or lack of citizenship. It would be hard to comprehend the meaning of statehood, if a State grants the right to vote in national elections to foreign citizens. Therefore, it remains unclear what the Russian delegation means by its accusation of the "limitation of political ... rights of non-citizens".

Land ownership by non-citizens is decided by the Government or its regional representatives; in practice, non-citizens may own the land underneath their real property. All residents of Estonia may participate equally in the privatization of State-owned enterprises and housing.

4. The OSCE Mission in Estonia and the High Commissioner on National Minorities, Mr. Max van der Stoel, have advised the Government of Estonia to issue alien's passports which would serve as a travel document while containing a valid Estonian residence permit. Any State has, above all, the obligation to take care of the interests of its own citizens at home and abroad. Estonia does not pretend to defend the interests of persons enjoying any other legal status. Both these two principles are irrespective of ethnic or linguistic origin.

Estonia appreciates the fact that while issuing alien's passports - under humanitarian considerations - other States responded to the same considerations and accepted these passports as valid travel documents. Even the Russian Federation, far short of accepting them de jure, is temporarily accepting alien's passports de facto.

5. There is no evidence that geography, mathematics or any other subject also taught in Russian language schools in Estonia have been curtailed or eliminated from the curricula. The history of Estonia as well as the history of the Russian Federation, Latvia and Lithuania, and the Scandinavian countries as neighbouring States, is taught in all schools throughout Estonia. Following the restoration of Estonia's independence, the issuing of new textbooks was inevitable. The majority of us would easily agree that teaching children Stalinist and communist dogmas, as was the practice in the former Soviet Union, would not benefit them today. However, it remains unclear how the knowledge of any other languages, including the Estonian language, in addition to the Russian language as the mother tongue, should lead to lowering the level of intellectual capabilities. There is no statistical evidence in Estonia that the knowledge of more than one language will reduce someone's competitiveness in the labour market.

6. The Estonian Government has not and will not interfere in relations between the Estonian Apostolic Orthodox Church and the Russian Orthodox Church. The problems concern canonical law between the Estonian Apostolic Orthodox Church and the local branch of the Russian Orthodox Church, as well as between the Patriarchs of Constantinople and Moscow, cannot be solved by the Estonian or the Russian Governments, but by the churches themselves. There is no evidence that in practical terms the day-to-day activities of orthodox faithful have been

disturbed or that there are any intentions to do so. We remain very concerned that starting with President Boris Yeltsin's speech at the OSCE summit at Budapest in December 1994, the Russian Federation has continuously tried to politicize the inter-church relations between the Orthodox churches.

7. The role of OSCE and the results stemming from its activities can be considered to be reliable, as far as OSCE member States take into consideration the organization's own reports. However, Estonia does not object to discussing reports compiled by other organizations and bodies concerning OSCE member countries - not just Estonia and the Russian Federation - on an equal basis if these reports are considered to be adequate and significant by OSCE member States.

8. The European Convention on Human Rights and its additional protocols actually do include instruments of direct application. It is hoped that the Russian Federation, after recently signing the European Convention on Human Rights, would find the ways and resources to inform its diplomats about their contents.

Estonia is constantly looking for ways to improve its relations with Russia and will continue to do so even in the face of increasingly overt threats to its statehood from influential Russian political circles - threats which unfortunately are not countered by Russian officials. We do hope that the Russian delegation will find a better and more constructive way to serve both the Russian national interest and the interests of security and cooperation in Europe.